

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT
and their marital community,

Defendants.

ERIK EGBERT,

Counterclaimant,

v.

ROBERT BOULE,

Counterdefendant.

No. 2:17-cv-00106-RSM

FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
ROBERT BOULE AND PLAINTIFF'S
RESPONSES THERETO

TO: Robert Boule, Plaintiff;

AND TO: Breean L. Beggs, Gregory Donald Boos, and W. Scott Railton, his
attorneys.

FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO ROBERT BOULE AND PLAINTIFF'S RESPONSES
THERETO (No. 2:17-cv-00106-RSM) - 1

LAW OFFICES OF
MILLS MEYERS SWARTLING P.S.
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

EXHIBIT C

1 Please respond within 30 days to the following interrogatories and requests for
2 production in accordance with applicable Federal Rules of Civil Procedure.

3 INSTRUCTIONS

4 1. These discovery requests are continuing in nature, and you are requested to
5 promptly supplement your responses if you learn of new or different information.

6 2. If you are unable to fully answer any of these discovery requests after
7 exercising due diligence to obtain the requested information, so state and answer the request
8 to the extent possible, setting forth whatever information you have and the efforts you made
9 to obtain the requested information.

10 3. As used in these discovery requests, the words "and" and "or" should not be
11 interpreted to exclude any information otherwise within the scope of any discovery request.

12 4. If you are withholding any information because of a claim of privilege or
13 protection, please state the nature of the information withheld, and describe the privilege with
14 sufficient specificity to permit a full determination of whether it is valid.

15 5. AGENT ERIK EGBERT WILL MOVE TO EXCLUDE EVIDENCE AND
16 WITNESSES NOT DISCLOSED IN RESPONSE TO THESE DISCOVERY REQUESTS.

17 DEFINITIONS

18 1. As used in these discovery requests, "document" has its ordinary meaning, but
19 also means every kind of record, writing, drawing, graphs, charts, photographs, sound
20 recordings, images, data, and data compilation, and all types of electronically stored
21 information in any medium from which information can be obtained either directly or, if
22 necessary, after translation into a reasonably usable form.

23 2. In reference to a person, "identify" means to state the person's full name, last-
24 known address, e-mail address, and telephone number.

3. In reference to a document, "identify" means to state the author, type of document, date, present location and custodian, and a brief summary of the document's substance. The description should be sufficiently specific to allow preparation of an adequate subpoena or request for production.

4. As used in these discovery requests, "the March 20, 2014, incident" refers to the alleged interaction at the Smuggler's Inn between Mr. Boule and Agent Egbert that is the subject of Plaintiff's lawsuit.

5. As used in these discovery requests, "your property" refers to the Smuggler's Inn.

6. As used in these discovery requests, "your vehicles" refers to any vehicles owned by you or any businesses in which you have an ownership interest.

INTERROGATORIES

INTERROGATORY NO. 1: Please provide your full name, birth date, and Social Security number. If you have ever used another name, please state the other name and provide the dates used.

ANSWER:

Robert Joseph Boulé

Birth Date: [REDACTED]/1949 SSN: [REDACTED]

Other Names:

- Bob – Used all my life
- John – It is my confirmation name, used since I was 12 years old.
- There is a record of Robert T. Boulé, but the 'T' appears to be a clerical error.

I cannot answer the balance of this question based on restrictions placed on me by the United States government.

1 **INTERROGATORY NO. 2:** Please list the addresses where you have resided since
2 January 1, 2007; provide the dates you lived at each address; and identify all persons who
3 lived at each address with you.

4 **ANSWER:**

5 I have resided in the same place since 2007; however, the address of the house has
6 changed. The address was originally [REDACTED]. It
7 has changed to [REDACTED].

8
9 **INTERROGATORY NO. 3:** Please identify all persons who have ever been
10 members of your immediate family, including your parents, siblings, spouse, former spouses,
11 and children, both natural and adopted, and state their relationship to you.

12 **ANSWER:**

13 Mother: Syliva Boulé

14 Father: Ken Boulé

15 Step-Father: Ernie Baker

16 Step-Sister: Cherie Kaminski

17 **INTERROGATORY NO. 4:** Please describe your work history, providing each
18 employer's name, address, and telephone number; your job title; your salary or wages; and
19 the dates of employment.

20 **ANSWER:**

21 1.) Smuggler's Inn – 2002 to Present – Owner | [REDACTED]
22 [REDACTED]

23 2.) Boy Scouts of America Foundation – 2006-2008 – Fundraiser - \$1,000.00/mo
24 | Evergreen Council, Bellingham, WA
25
26

3.) Sun News – 2000-2004 – Advertising Executive - \$54,000.00 | Marysville
WA – No Longer in Business

4.) Jade East Co. – 1998-2000- Partner - \$48,000.00 | Wenatchee, WA – No
Longer in Business

5.) Chief Wenatchee – 1988-1998 – VP Sales – \$78,000.00 – No Longer in
Business

I cannot answer the balance of this question based on restrictions placed on me by the
United States government.

INTERROGATORY NO. 5: Please provide the following information for any
businesses in which you have an ownership interest: the legal name of the business; the
percentage owned by you; the date you acquired your interest or started the business; and the
name, address, telephone number, and e-mail address of any co-owner.

ANSWER:

I purchased Smuggler's Inn in 2002 and own 100% of the business.

[REDACTED]

[REDACTED]

Sole Proprietor

Smuggler's Inn provides a limousine shuttle service under the name Classic
Limousines.

INTERROGATORY NO. 6: Please describe your educational background,
including each school you attended, the dates of attendance, degrees earned, and any honors
or awards.

ANSWER:

1 K-6 – Bremerton, WA – 1955-1962

2 7-10th – Highline School District, Seattle WA – 1962-1965

3 11-12 – West Seattle High, Seattle WA – 1966-1968

4 13-16 Central Washington University, Ellensburg WA – 1968-1972

5
6 **INTERROGATORY NO. 7:** Have you ever pleaded guilty or no contest to a crime
7 or been convicted of a crime? If so, please set forth the crime, the date of the conviction or
8 plea, the court name and file number in each case, and the penalty imposed.

9 **ANSWER:**

10 Objection overly broad and burdensome and not reasonably calculated to lead to the
11 discovery of any information relevant to the claims and defenses in
12 this case, including impeachment under FRE 609.

13 s/ GREG BOOS, WSBA #8331

14 GREG BOOS, WSBA #8331

15 Without waiving objection, Mr. Boule has not been convicted of or pled guilty to any
16 crimes in the last 30 years; nor has he been convicted of or pled guilty to any crimes
17 punishable by more than one year, nor any crimes involving a dishonest act or false
18 statement.

19
20 **INTERROGATORY NO. 8:** Have you ever been a party to a lawsuit or claim for
21 damages other than this one? If so, for each lawsuit or claim for damages, please identify the
22 parties, briefly describe the nature and disposition of the lawsuit or claim, and, if applicable,
23 state the court and cause number.

24 **ANSWER:**

25 There was a series of court actions as result of partnership breakup and bankruptcy.

Robert Boule, Jade East, Washington Organic – 1999-2012

Lawsuit Records

Case Information

Case Number	CV11-1729
Filing Date	08/09/2011
Case Type	OTHER - GOODS AND SERVICES
Case Category	99999
Status	CLOSED - 10/27/2011
Filing Office	WHATCOM COUNTY DISTRICT COURT
Address	311 GRAND AVE, BELLINGHAM, WA 98225
Venue	WHATCOM, WA

Party Information

Plaintiff	NORTH WASHINGTON COLLECTIONS INC
Defendant	BOULE, ROBERT J
Defendant	SMUGGLERS INN

Bankruptcy Records

Source: U.S. BANKRUPTCY COURT, WESTERN DISTRICT
OF WASHINGTON (SEATTLE)

Case Information

Court	U.S. BANKRUPTCY COURT, WESTERN DISTRICT OF WASHINGTON (SEATTLE)
Case Title	IN RE: ROBERT JOSEPH BOULE
Case	2:01-BK-24341
Judge	THOMAS T. GLOVER
Date Filed	12/31/2001
Date Discharged	04/19/2002
Last Date to File Proof of Claim	12/13/2004
Office	SEATTLE
Case Type / Chapter	BANKRUPTCY: CHAPTER 7A
Case Details	ASSET, VOLUNTARY
Case Number	2:01-BK-24341
Key Nature of Suit	BANKRUPTCY; CHAPTER 7 (060.15)

Debtor Information

Party Address	PO BOX 1803 BLAINE, WA 98231-1803
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SSN	536-46-XXXX
Attorney	PRO SE
Status	PRO SE

Trustee Information

DENNIS LEE BURMAN	
Party Address	PO BOX 1620 MARYSVILLE, WA 98270-1620
Phone	360-657-3332

Dockets**1.) Source: SUPERIOR COURT, WHATCOM COUNTY, WASHINGTON****Case Information**

Case Title	NORTH WASHINGTON COLLECTIONS v. BOULE
Court	SUPERIOR COURT, WHATCOM COUNTY
Case Number	06-2-02685-0
Case Type	CIVIL
Case Subtype	TRANSCRIPT OF JUDGEMENT
Key Nature of Suit	REMEDIES; JUDGMENTS (400.40)
Date Filed	11/16/2006

Participant Information

NORTH WASHINGTON COLLECTIONS
BOULE, JANE DOE
BOULE, ROBERT J

Type : Plaintiff
Type: Defendant
Type: Defendant

DOCKET PROCEEDINGS (3)

Date:	Entry #:	Description:	Date Docketed:	Party:
05/04/2007	2	Docket Entry: SATISFACTION OF JUDGMENT		
11/16/2006	1	Docket Entry: TRANSCRIPT OF JUDGMENT		
11/16/2006		Docket Entry: FILING FEE RECEIVED Additional Information: 20.00		

2.) Source: SUPERIOR COURT, CHELAN COUNTY, WASHINGTON**Case Information**

Case Title	BRODY v. WASH ORGANIC
Court	SUPERIOR COURT, CHELAN COUNTY

Case Number	01-2-00008-4
Case Type	CIVIL
Case Subtype	COMMERCIAL
Key Nature of Suit	BUSINESS ORGANIZATIONS (080)
Date Filed	01/03/2001

Participant Information

ROBERT L BRODY

Party Number	1
Type	Plaintiff

CHARLOTTE BRODY

Party Number	2
Type	Plaintiff

KARI VOLYN

Party Number	3
Type	Plaintiff

WASHINGTON ORGANIC LIMITEDPARTNERSHIP

Party Number	1
Type	Defendant

ROBERT J BOULE

Party Number	2
Type	Defendant

JADE EAST FRESH COMPANY LIMITED

Party Number	3
Type	Defendant

WASHINGTON ORGANIC DRIED FRUIT& JUICE LLC

Party Number	4
Type	Defendant

KING BLOSSOM NATURAL

Type	Doing Business As
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3.) Source: SUPERIOR COURT, CHELAN COUNTY, WASHINGTON**Case Information**

FIRST SET OF INTERROGATORIES AND REQUESTS FOR
 PRODUCTION TO ROBERT BOULE AND PLAINTIFF'S RESPONSES
 THERETO (No. 2:17-cv-00106-RSM) - 9

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 SEATTLE, WASHINGTON 98104
 TELEPHONE (206) 382-1000
 FACSIMILE (206) 386-7343

Case Title	NASDA FINANCIAL v. BOULE
Court	SUPERIOR COURT, CHELAN COUNTY
Case Number	01-2-01066-7
Case Type	CIVIL
Case Subtype	COLLECTION
Key Nature of Suit	BANKING/FINANCE; COLLECTIONS (140.20)
Date Filed	11/05/2001

Participant Information

NAEDA FINANCIAL LTD LP

Party Number	1
Type	Plaintiff

ROBERT J BOULE

Party Number	1
Type	Defendant

WILLIAM P BURNETT

Party Number	2
Type	Defendant

WASHINGTON ORGANIC

Type	Doing Business As
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4.) Source: SUPERIOR COURT, CHELAN COUNTY, WASHINGTON**Case Information**

Case Title	L&I v. BOULE
Court	SUPERIOR COURT, CHELAN COUNTY
Case Number	01-2-00629-5
Case Type	CIVIL
Case Subtype	TAX WARRANT
Key Nature of Suit	TAX (425)
Date Filed	06/25/2001

Participant Information

DEPT OF LABOR & INDUSTRIES

Party Number	1
Type	Plaintiff

ROBERT J BOULE H/W

Party Number	1
Type	Defendant

ROBERT BRODY H/W

Party Number	2
Type	Defendant

CARRIE W/H VOLYN

Party Number	3
Type	Defendant

WASHINGTON ORGANIC LIMITED

Type	Doing Business As
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5.) Source: SUPERIOR COURT, CHELAN COUNTY, WASHINGTON**Case Information**

Case Title	BOULE v. CITY WEN
Court	SUPERIOR COURT, CHELAN COUNTY
Case Number	91-2-00475-1
Case Type	CIVIL
Case Subtype	CONDEMNATION
Key Nature of Suit	REAL PROPERTY; CONDEMNATION (390.20)
Date Filed	08/27/1991

Participant Information

ROBERT J BOULE

Party Number	1
Type	Plaintiff

CITY OF WENATCHEE

Party Number	1
Type	Defendant

6.) Source: SUPERIOR COURT, WHATCOM COUNTY, WASHINGTON**Case Information**

Case Title	NORTH WASHINGTON COLLECTIONS v. BOULE
Court	SUPERIOR COURT, WHATCOM COUNTY
Case Number	06-2-02685-0
Case Type	CIVIL
Case Subtype	TRANSCRIPT OF JUDGEMENT

Key Nature of Suit	REMEDIES; JUDGMENTS (400.40)
Date Filed	11/16/2006

Participant Information

NORTH WASHINGTON COLLECTIONS

Type	Plaintiff
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BOULE, JANE DOE

Type	Defendant
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BOULE, ROBERT J

Type	Defendant
------	-----------

DOCKET PROCEEDINGS (3)

Date:	Entry #:	Description:	Date Docketed:	Party:
05/04/2007	2	Docket Entry: SATISFACTION OF JUDGMENT		
11/16/2006	1	Docket Entry: TRANSCRIPT OF JUDGMENT		
11/16/2006		Docket Entry: FILING FEE RECEIVED Additional Information: 20.00		

7.) Source: U.S. DISTRICT COURT EASTERN DISTRICT OF WASHINGTON**Case Information***

Case Title	BOULE v. AMER ECONOMY INS CO
Court	U.S. DISTRICT COURT EASTERN DISTRICT OF WASHINGTON
Case	2:94-CV-00315
Case Number	2:94CV00315
Nature of Suit	CONTRACT: INSURANCE (110)

Key Nature of Suit	CONTRACTS; INSURANCE (130.25)
Date Filed	09/06/1994

Participant Information

AMER ECONOMY INS CO
BOULE, ROBERT J

*Claim was for structural damages to the house as a result of an electrical surge.

8.) Source: SUPERIOR COURT, CHELAN COUNTY, WASHINGTON**Case Information**

Case Title	BOULE v. AMERICAN ECONOMY INS
Court	SUPERIOR COURT, CHELAN COUNTY
Case Number	94-2-00698-8
Case Type	CIVIL
Case Subtype	TORT - OTHER
Date Filed	08/02/1994

Participant Information

ROBERT J BOULE

Party Number	1
Type	Plaintiff

AMERICAN ECONOMY INSURANCE CO

Party Number	1
Type	Defendant

INTERROGATORY NO. 9: Please identify all healthcare providers (including physicians, chiropractors, physical therapists, dentists, mental-health professionals, and counselors) who have consulted with you or treated you since January 1, 2007, and state the dates and reasons for such consultation or treatment.

ANSWER:

Last Name	First Name	Title	Visit
Adams	Ione S	MD	Sea Mar Bellingham Medical
Akins	Rachel L	RD	Peace Health Medical Group – Nutrition & Diabetes Education Clinic
Allen	Lynn F		Sea Mar Bellingham Medical
Allen	Camilla T	MD	Peace Health Out Patient Procedures
Banjanin	Milan	MD	Regular Doctor until 2011
Blanco	Carolina	MA	Sea Mar Bellingham Medical
Boustead	Shannon	MD	Regular Doctor at Sea Mar Bellingham Medical
Boutin	Jodi	CMA	Peace Health
Broselle	Jacqueline	PT	St Joseph Hospital
Buetow	Peter C	MD	Mt Baker Imaging
Chang	Paul Y	DPT	Whatcom Physical Therapy
Cheng	Isabella	Pharmacist	Peace Health – St Joseph Hospital
Comacho	Raquel	MA	Sea Mar Bellingham Medical

1	Corona	Olga	MA	Sea Mar Bellingham Medical
2				
3	Coster	Teresa L	MS, RD, CD	Sea Mar Bellingham Medical
4				
5	Crabo	Lars	MD	Mt Baker Imaging
6	Daniels	Mark	MD	Eagle Hospital Physicians
7	Dhindsa	Harmanjot	MA	Sea Mar Bellingham Medical
8				
9	Dickinson	Emily	RN	Peace Health St Joseph Hospital
10	Dudar	Mariya	MA	Sea Mar Bellingham Medical
11				
12	Garcia	Blanca	MA	Sea Mar Bellingham Medical
13	Gargett	Celeste		Sea Mar Bellingham Medical
14				
15	Geist	Michael	MD	Eagle Hospital Physicians
16	Grishchuck	Mikhail	MA	Sea Mar Bellingham Medical
17				
18	Harrison	Alesha		Sea Mar Bellingham Medical
19	Hernandez	Veronica A	MA	Sea Mar Bellingham Medical
20				
21	Heilbrunn	Mark	MD	20 March 2012 – Social Security Exam
22				
23	Hinds	Spencer	MD	Peace Health St Joseph Medical Center – Cardiovascular Center
24				
25				
26				

Huerta	Brenda		Sea Mar Bellingham Medical
Jensen	Jil	LPN	Sea Mar Bellingham Medical
Kim	Daniel	MD	Peace Health – St Joseph Hospital
Kussat	Naomi	RN	Peace Health – St Joseph Hospital
LaPoint	Anthony	HIM	Sea Mar Bellingham Medical
Loveland	Lynn		Sea Mar Bellingham Medical
Loveng	Anna	MA	Sea Mar Bellingham Medical
Lukyanets	Ilona	MA	Sea Mar Bellingham Medical
Mejia-Velasquez	Cristina	MA	Sea Mar Bellingham Medical
Monks	Sonia	LPN	Sea Mar Bellingham Medical
Nelson	Kellie	RN	Peace Health Medical Group
Pederson	Bruce	MD	Whatcom Physical Therapy
Perez	Rosalinda	MA	Sea Mar Bellingham Medical
Perez-Medoza	Estrella		Sea Mar Bellingham Medical
Perez	Nataly	MA	Sea Mar Bellingham Medical
Petersen	Kathryn	PT	Peace Health St Joseph Hospital Out Patient

			Services
1	Randhawa	Sukhvir	MA
2			Sea Mar Bellingham Medical
3	Renteria	Jennete	MA
4			Sea Mar Bellingham Medical
5	Reyes	Kimberly	MA
6			Sea Mar Bellingham Medical
7	Ruegg	William D	MD
8			Sea Mar Bellingham Medical
9	Sakahara	April	MD
10			Peace Health Medical Group - Physical Medicine & Rehabilitation
11	Schultz	Nils	PA-C
12			Sea Mar Bellingham Medical
13	Schultz	Muriel	
14			Sea Mar Bellingham Medical
15	Selikhava	Iryna	
16			Sea Mar Bellingham Medical
17	Siemanowski	Benjamin	MD
18			Peace Health Medical
19	Sosa	Irene M	LPN
20			Sea Mar Bellingham Medical
21	Stephenson	Daniel L	DO
22			Sea Mar Bellingham Medical
23	Studley	Matthew	MD
24			Peace Health – St Joseph Hospital
25	Thorpe	Sarah H	RN
26			Peace Health Out Patient Procedures
	Troy	Markus J	MD
			Peace Health St Joseph Hospital
	Tuilaepa	AshleyAnn L	
			Sea Mar Bellingham

			Medical
1	Webb	Zachary	MD
2			North Star
3	Whiting	Rosemary J	PTA
4			Whatcom
5			Physical Therapy

As to dates and reasons, I have already produced much of what you are looking for, especially for my health since March 20, 2014. I am producing a few additional documents with the return of these interrogatories.

As to other healthcare providers listed, I have done my best to remember their names. I do not remember all of the dates that I saw them, and I may have seen healthcare providers for multiple reasons. I have returned a release of information document for my health records to allow for a full release of medical records. These records may indicate additional health care providers.

INTERROGATORY 10: With respect to Kaya Fikret's stay at the Smuggler's Inn on or around March 20, 2014, please state when and how his reservation was made, the reason for his stay, the amounts paid for his room and transportation, when and how the charges for his room and transportation were paid, the dates of his actual stay, and when and where he was transported by you or your or the Smuggler's Inn employees.

ANSWER: Kaya Fikret's stay was March 20th 2014 for one night. He was picked up at SEA-TAC airport by Jason Surowiecki & Josh Vandergrein, both of whom provide services to Smuggler's Inn as independent contractors. His transportation reservation was made by phone, his room was paid by cash. Transportation is charged at \$500/ 5hours down to Seattle and back. Kaya Fikret paid in Cash. The room is \$200 per night and was paid in cash.

1 **INTERROGATORY NO. 11:** Please list and describe in detail each injury (whether
2 physical, emotional, or mental) that you allegedly sustained as a result of the March 20,
3 2014, incident; identify the healthcare providers who have treated you for each such injury;
4 state the dates and cost of treatment; and state whether each such injury has resolved.

5 **ANSWER:**

6 All injuries and costs are listed in detail in the in the medical records and billings to
7 which I have stipulated. In addition, I spent 9 months walking on a hip that was partially
8 dislocated during the incident, before Dr. Sakahara discovered the problem and put the hip
9 back in place. I also suffered severe pain in the back shoulder, lower back & hip as a result of
10 the incident. Finally, my lack of mobility from my injuries also contributed to weight gain,
11 Type 2 Diabetes and heightened Atrial Fibrillation.

12
13 I sustained at least one injury not related to enhanced pre-conditions. Mr. Egbert's
14 assault caused my hip to be dislocated, which manifested as severe pain in the back shoulder,
15 lower back, hip, legs, and feet.

16
17 **INTERROGATORY NO. 12:** Do you anticipate that you will suffer any permanent
18 or long-term physical, mental, or emotional injury, impairment, or disability because of the
19 March 20, 2014, incident? If so, please explain in detail the nature and extent of the injury,
20 impairment, or disability, and identify any healthcare providers who have diagnosed it or
21 treated you for it.

22 **ANSWER:**

23 The incident enhanced and worsened several already existing injuries or conditions.
24 Because I was unable to exercise, I sustained weight gain of 30+lbs. In conjunction, I went
25
26

1 from being pre-diabetic to having Type 2 Diabetes with fibromyalgia and enhanced
2 circulatory problems.

3 I understand that I may have to have a hip replacement. I understand that the
4 fibromyalgia may lead to the amputation of one or both feet.

5
6 **INTERROGATORY NO. 13:** Please describe every physical, emotional, or mental
7 complaint, condition, injury, impairment, or disability you currently have but that you do *not*
8 relate to the March 20, 2014, incident or Agent Egbert.

9 **ANSWER:**

10 The interrogatory is objected to as overly broad, as it calls for every and any
11 complaint a person might have.

12 s/ GREG BOOS, WSBA #8331

13 GREG BOOS, WSBA #8331

14 Notwithstanding this objection, I had a hernia repaired in 2013. In addition, I have
15 heart problems (atrial fibrillation) and arthritis. In 1995, I had colon cancer and have to be
16 screened for the re-development of cancer every 5 years. I also have a history of skin cancer,
17 which also requires regular screening.

18
19 **INTERROGATORY NO. 14:** Do you claim past or future loss of income, earning
20 capacity, or business expectancy as a result of the March 20, 2014, incident or Agent Egbert?
21 If so, please provide the dates you sustained (or will sustain) a loss of income, the amount of
22 loss, and the source from which the income would have been obtained.

23 **ANSWER:**

24 Due to not being able to work with guests, I have had to hire people to assist me,
25 which reduces my net income from the business.

1 I was not doing well financially prior to the March 20, 2014 incident. This decline in
2 income was largely due to a decline in health preventing me from being able to run my Bed
3 and Breakfast to its full potential. I was placed on disability in 2012, which provided some
4 financial relief and in the Autumn of 2013 I has surgery to repair my hernia. My health was
5 improving because of hernia repair. The injuries that I sustained from the assault on March
6 20, 2014, set my physical progress back considerably, keeping me from running my Bed and
7 Breakfast at full capacity. Guests have also been deterred from staying at my Bed and
8 Breakfast due to CBP blocking off Drive Ways and some employees have not felt
9 comfortable working for me due to being harassed by CBP officers. All of this caused me to
10 sustain a continued loss of income beyond the initial timeline for recovery.

11
12 As of the present date, my condition has taken a dramatic turn for the worse. If this is
13 a long-term turn, I will again suffer business related losses.

14
15 **INTERROGATORY NO. 15:** Are there are any outstanding liens or subrogated
16 interests of any kind relating to the March 20, 2014, incident or Agent Egbert? If so, please
17 identify each person or entity claiming a lien or interest, the amount claimed, and the reason
18 therefore.

19 **ANSWER:**

20 There are no known outstanding liens or subrogated interests relating to the March
21 20, 2014 incident.

22
23 **INTERROGATORY NO. 16:** Have you ever applied for, been eligible for, or
24 enrolled in Medicare, regardless of whether you are currently enrolled in Medicare? If so,
25
26

1 please explain specifically and in detail when and why you applied, became eligible, or
2 enrolled.

3 *(Note: This information is necessary for all parties to comply with Medicare*
4 *regulations. See 42 U.S.C. § 1395y(b)(8), also known as Section 111 of the*
5 *Medicare, Medicaid and SCHIP Extension Act of 2007, and 42 U.S.C.*
6 *§ 1395y(b)(2), also known as the Medicare Secondary Payer Act. If you are*
not currently a Medicare beneficiary but become eligible for Medicare during
the pendency of this lawsuit, you must supplement your response at that time.)

7 **ANSWER:**

8 On September 1, 2011, I applied for disability benefits from Social Security. I was
9 granted Social Security Disability in 2012. I turned 65 in 2014 and had also been on Social
10 Security Disability for two years. I qualified for Medicare, which has been in effect since 01
11 Feb. 2014.

12 I have provided the documentation that I have for my disability application and a
13 copy of my Medicare card.

14
15 **INTERROGATORY NO. 17:** Have you ever applied for disability or worker's
16 compensation benefits? If so, please identify the entity or agency to which you applied, and
17 state the reason you applied for the benefits, the date you applied, and the result of the
18 application.

19 **ANSWER:**

20 Yes, I applied for disability through Social Security in 2011 because my physician
21 believed I would be eligible. I was granted Social Security Disability on 04 March, 2012,
22 which was retro-active to February, 2012. I was moved from Disability to Social Security
23 Retirement 02 October, 2015 after I turned 65. I have provided a copy of my application
24 from disability from 2011 along with documents submitted as Social Security was following
25 in 2014.
26

INTERROGATORY NO. 18: Please identify all persons who have been employed by you or the Smuggler's Inn (whether as employees or independent contractors) since January 1, 2009, providing each person's name, address, telephone number, and e-mail address; the dates of employment; job title; and salary or wages.

ANSWER:

Name	Address	Telephone	Email	Dates of Employment	Job Title	Salary or Wages
Laura Masirow	[REDACTED]	[REDACTED]		Various days	Cook/ House Keeper	\$10 or \$11 per hour
John Henifin		[REDACTED]		Various days	Driver – Maintenance - Housekeeping	\$10 or \$11 per hour
Maria Isabel Dermendziex		[REDACTED]		Various days	House Keeper	\$10 or \$11 per hour
Darline Hallmark		[REDACTED]		Various days	House Keeper	\$10 or \$11 per hour
Jake Nelson		[REDACTED]		Various days	Maintenance - Housekeeping	\$10 or \$11 per hour

1	Jason			Various days	Gardener –	\$10 or
2	Surowickie				Mechanic –	\$11 per
3					Inn Keeping	hour
4	Josh			Various days	Gardener -	\$10 or
5	Vandergrine				Mechanic	\$11 per
6						hour
7	Andrew Poll			Various days	Yard Work –	\$10 or
8					Housekeeping	\$11 per
9						hour
10	Nathan			Various days	Housekeeping	\$10 or
11	Mattly				– Yard Work	\$11 per
12						hour
13	Lei-launi				Bookkeeper	\$110-
14	Burford					\$170 per
15						rmonth

16 There have been approximately 35 others worked a few days on contract. They were
 17 paid cash under \$6000.00.

18 **INTERROGATORY NO. 19:** Please identify all persons who have crossed the
 19 border (either into Canada or into the United States) via your property since January 1, 2009,
 20 providing each person's name, address, telephone number, and e-mail address; and for each
 21 person, state the date of the border crossing and whether it was into Canada or the United
 22 States.

23 **ANSWER:**

24 This question is overly broad and not reasonably calculated to lead to the discovery of
 25 admissible evidence on the claims and defenses in this matter.

1 s/ GREG BOOS, WSBA #8331

2 GREG BOOS, WSBA #8331

3 To the extent that such information is available, it would be available through the
4 government.

5 Without waiving this objection, we know of the following:

6 I have no personal knowledge of the identities all persons who have crossed the
7 border via my property since 2009. I suggest that the US Federal Government has the best
8 information available regarding your query for those that have crossed into the U.S. I suggest
9 that Public Safety Canada or the RCMP or other branch of the Canadian Government has the
10 best information available for those who have crossed into Canada.

11
12 **INTERROGATORY NO. 20:** Please identify all persons who have been arrested in
13 or near one of your vehicles or on or near your property since January 1, 2009, providing
14 each person's name, address, telephone number, and e-mail address; and for each person,
15 state the date of the arrest, the arresting agency, and the reason for the arrest.

16 **ANSWER:**

17 This question is overly broad and not reasonably calculated to lead to the discovery of
18 admissible evidence on the claims and defenses in this matter.

19 s/ GREG BOOS, WSBA #8331

20 GREG BOOS, WSBA #8331

21
22 To the extent that such information is available, it would be available through the
23 government.

24 Without waiving this objection, we know of the following:
25
26

1 In Dec 2010, a Mssr's Hussain and Farah were arrested on I-5 after leaving my
2 premises. The matter is detailed in documents filed in the Federal District Court for Western
3 Washington in the case of United States of America v. Naseer Hussain and Kim Farah, No.
4 CR09-427RSM. I do not have contact information for any of the individuals.

5 In December 2011, a Ms. Jasmin Klair was arrested on my property. She was
6 prosecuted in the Federal District Court for Western Washington in the case of United States
7 of America v. Sandhu et al., CR00422-JLR-3. Details should be available in the court file.
8 Again, I do not have contact information for Ms. Klair. As this matter is referenced in one of
9 Mr. Egbert's pleadings filed in this matter, it would appear he has knowledge of the operative
10 details.

11 In addition to the above, I am aware that other individuals have been detained while
12 crossing my property. I do not know names or whether the detentions led to arrests.

13
14 **INTERROGATORY NO. 21:** Please describe specifically and in detail all
15 advertisements placed by you or the Smuggler's Inn since January 1, 2009, including the
16 form and content of each advertisement and when, where, and with whom it ran.

17 **ANSWER:**

18 Virtually all print advertisements for Smuggler's Inn have been published
19 through Point Roberts Press Inc. which publishes

- 20 • All Point Bulletin, the monthly community newspaper serving Point Roberts,
21 Washington and Tsawwassen, B.C. since 1985.
- 22 • The Northern Light, the weekly community newspaper serving Blaine, Birch
23 Bay and Semiahmoo, Washington since 1995.

- Mount Baker Experience magazine is an award-winning quarterly adventure publication focusing on outdoor activities in northwestern Washington and B.C.'s lower mainland since 1986.
- Waterside magazine is the premier summer cross-border tourist guide to the coastal communities of northwest Washington and the south coast of B.C. It has been published annually since 1996.
- Pacific Coast Weddings magazine is the go-to guide to planning a wedding in northwest Washington and the lower mainland of B.C. It has been published continuously since 2003.
- Point Roberts Press also publishes annual maps of Blaine & Birch Bay, Ferndale, Point Roberts and the Mount Baker region. Advertiser-supported, each map features events, important contacts and road index.

I also advertise in other local newspapers & publications but not on a consistent and ongoing basis. Copies of as many of the advertisements that I have been able to compile are included.

If a website can be construed as an advertisement within the meaning of your interrogatory, I maintained a website for to attract vacationers to Smuggler's Inn for many years.

The website, accessible via the worldwide web at www.smugglersinnblaine.com, is a condensed version of the website when it was under my control. I say "condensed" as I failed to renew my domain name this year and an unknown party has acquired it. Instead of contacting me to see if I want to repurchase my domain name or clearing the website from all content other than a notice that the domain name is for sale, the unknown purchaser deleted

1 much of my website and has left only skeletal information about booking a stay at
2 Smuggler's Inn.

3 However you may see the website as it existed at various dates while under my
4 ownership by using an internet site titled *Internet Archive WayBackMachine*. Please go to
5 http://web.archive.org/web/20051201000000*/www.smugglersinnblaine.com/ through which
6 you may access 94 discrete versions of my website dating from June 2003 to June 2017.
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REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce all documents identified in your answers to the above interrogatories.

RESPONSE:

- 2011 Application for Social Security Disability (RFP 1.1)
- 2014 Response to Social Security Request for Information (RFP 1.2)
- Copy of Medicare Card (RFP 1.3)
- Copy of Smuggler's Inn Advertisements (RFP 1.4)

REQUEST FOR PRODUCTION NO. 2: If you have maintained any social-media accounts for yourself or the Smuggler's Inn (Myspace, LinkedIn, Twitter, Instagram, Pinterest, etc.) at any time since January 1, 2012, please produce a copy of your profile page, including every posting, from January 1, 2012, to the present.

RESPONSE:

<https://www.facebook.com/pages/Smugglers-Inn/579075455563719>

[https://www.tripadvisor.com/Hotel_Review-g58359-d8491888-Reviews-Smuggler s Inn Bed Breakfast-Blaine Washington.html](https://www.tripadvisor.com/Hotel_Review-g58359-d8491888-Reviews-Smuggler_s_Inn_Bed_Breakfast-Blaine_Washington.html)

Copy of Facebook and TripAdvisor Pages (RFP 2)

REQUEST FOR PRODUCTION NO. 3: Please produce all documents (including diary entries, notes, blog posts, letters, e-mails, text messages, instant or chat messages, messages on social-media websites, and comments posted to social-media websites) that reflect your thoughts or experiences relating to the March 20, 2014, incident, Agent Egbert, or your claimed injuries and damages.

1 **RESPONSE:**

2 Most emails and text messages that pertain to the March 20, 2014 incident have
3 already been produced. I provide one other email here:

4 19 September 2014 Email (RFP 3)

5
6 **REQUEST FOR PRODUCTION NO. 4:** Please produce all statements made by
7 you, whether written or recorded, relating to the March 20, 2014, incident, Agent Egbert, or
8 your claimed injuries and damages.

9 **RESPONSE:**

10 These items have already been produced, and include:

- 11 • Affidavit from Investigatory Report
12 • Text Messages
13 • Tort Claims

14
15 **REQUEST FOR PRODUCTION NO. 5:** Please produce all witness statements,
16 whether written or recorded, relating to the March 20, 2014, incident, Agent Egbert, or your
17 claimed injuries and damages.

18 **RESPONSE:**

19 Please see statements from Nathan Mattly, which has already been produced.

20
21 **REQUEST FOR PRODUCTION NO. 6:** Please produce all documents that refer
22 or relate to Kaya Fikret, his transportation, or his stay at the Smuggler's Inn on or around
23 March 20, 2014.

24 **RESPONSE:**

25 A copy of Kaya Fikret's passport and airplane ticket have already been provided.
26

1
2 **REQUEST FOR PRODUCTION NO. 7:** Please produce all written or recorded
3 communications (including voicemail messages, letters, e-mails, text messages, instant or
4 chat messages, and messages on social-media websites) with Kaya Fikret or his
5 representatives.

6 **RESPONSE:**

7 There was no written or recorded communication with Kaya Fikret.
8

9 **REQUEST FOR PRODUCTION NO. 8:** Please produce all documents exchanged
10 with Kaya Fikret or his representatives.

11 **RESPONSE:**

12 There were no documents exchanged with Kaya Fikret other than the passport and
13 ticket which have already been provided.
14

15 **REQUEST FOR PRODUCTION NO. 9:** Please produce all written or recorded
16 communications (including voicemail messages, letters, e-mails, text messages, instant or
17 chat messages, and messages on social-media websites) with the United States or its
18 employees that refer or relate to the March 20, 2014, incident, Agent Egbert, your claimed
19 injuries and damages, or Kaya Fikret.

20 **RESPONSE:**

21 The written communication submitted to US government employees has already been
22 provided, except as provided in the privilege log or otherwise prohibited in United States
23 government rules. This has included the text messages provided in my initial disclosures.
24
25
26

1 **REQUEST FOR PRODUCTION NO. 10:** Please produce all documents
2 exchanged with the United States or its employees that refer or relate to the March 20, 2014,
3 incident, Agent Egbert, your claimed injuries and damages, or Kaya Fikret.

4 **RESPONSE:**

5 These documents have already been provided and include:

- 6 • Tort Claim
- 7 • Emails
- 8 • Text Messages.
- 9 • Audit Records
- 10 • Medical Records

11
12 **REQUEST FOR PRODUCTION NO. 11:** Please produce all written or recorded
13 communications (including voicemail messages, letters, e-mails, text messages, instant or
14 chat messages, and messages on social-media websites) with Jim Harber or his
15 representatives that refer or relate to the March 20, 2014, incident or your claimed injuries
16 and damages.

17 **RESPONSE:**

18 All communication with Jim Harber was done over the phone.

19
20 **REQUEST FOR PRODUCTION NO. 12:** Please produce all documents
21 exchanged with Jim Harber or his representatives that refer or relate to the March 20, 2014,
22 incident or your claimed injuries and damages.

23 **RESPONSE:**

24 All communication with Jim Harber was done over the phone.

1 **REQUEST FOR PRODUCTION NO. 13:** Please produce all documents related to
2 any government inquiry or action (IRS audit, Social Security audit, etc.) you allege was
3 instituted because of Agent Egbert.

4 **RESPONSE:**

5 Documents relating the audit have already been provided.

6 For documents relating to Social Security Agent Scott Henderson, please see Request
7 for Production No. 16.

8 Other documents, which I am including now are:

- 9 • Documents from the Whatcom County Assessor's Office (RFP 13.1)
- 10 • Documents from the Washington Department of Health (RFP 13.2)
- 11 • Documents from the Washington Department of Licensing (RFP 13.3)
- 12 • Documents from the Social Security Administration (RFP 13.4)

13
14 **REQUEST FOR PRODUCTION NO. 14:** Please produce all written or recorded
15 communications (including voicemail messages, letters, e-mails, text messages, instant or
16 chat messages, and messages on social-media websites) with Donald Starr, Rachel Martinen,
17 or their representatives that refer or relate to the IRS's audit, Agent Egbert, or your claimed
18 damages.

19 **RESPONSE:**

20 The documents that I have regarding interaction with Donald Starr and Rachel
21 Martinen have already been provided.

22
23 **REQUEST FOR PRODUCTION NO. 15:** Please produce all documents
24 exchanged with Donald Starr, Rachel Martinen, or their representatives that refer or relate to
25 the IRS's audit, Agent Egbert, or your claimed damages.

RESPONSE:

The documents that I have regarding interaction with Donald Starr and Rachel Martinen have already been provided.

REQUEST FOR PRODUCTION NO. 16: Please produce all written or recorded communications (including voicemail messages, letters, e-mails, text messages, instant or chat messages, and messages on social-media websites) with Scott Henderson or his representatives that refer or relate to the Social Security audit, Agent Egbert, or your claimed damages.

RESPONSE:

I have written notes about this visit from Scott Henderson, which have been provided. I also include an email string between my Attorney Greg Boos and Agent Henderson.

Exchange between Greg Boos & Scott Henderson (RFP 16)

REQUEST FOR PRODUCTION NO. 17: Please produce all documents exchanged with Scott Henderson or his representatives that refer or relate to the Social Security audit, Agent Egbert, or your claimed damages.

RESPONSE:

Please see documents produced in Request for Production No. 16.

REQUEST FOR PRODUCTION NO. 18: Please produce all written or recorded communications (including voicemail messages, letters, e-mails, text messages, instant or chat messages, and messages on social-media websites) with any current or former employee

1 or independent contractor of yours or the Smuggler's Inn that refer or relate to the March 20,
2 2014, incident, Agent Egbert, your claimed injuries and damages, or Kaya Fikret.

3
4 **RESPONSE:**

5 All written communication relating to the March 20, 2014 has already been given.
6

7 **REQUEST FOR PRODUCTION NO. 19:** Please produce all documents
8 exchanged with any current or former employee or independent contractor of yours or the
9 Smuggler's Inn that refer or relate to the March 20, 2014, incident, Agent Egbert, your
10 claimed injuries and damages, or Kaya Fikret.

11 **RESPONSE:**

12 All documents exchanged between employees about this incident have been provided.
13

14 **REQUEST FOR PRODUCTION NO. 20:** Please produce all of your healthcare
15 records since January 1, 2007.

16 **RESPONSE:**

17 In response to this request, we have provided you with a medical release allowing you
18 to obtain my medical records since January 1, 2007.

19
20 To supplement the medical records I have provided in the initial disclosures, I provide
21 the following: Medications, Labs, and Appointment Notice (RFP 20)
22

23 **REQUEST FOR PRODUCTION NO. 21:** Please produce all medical bills relating
24 to care you contend was necessary because of the March 20, 2014, incident.
25
26

1 **RESPONSE:**

2 The medical bills in my possession relating to this incident have already been
3 produced.

4 The release provided to you should produce the rest of the bills.

5
6 **REQUEST FOR PRODUCTION NO. 22:** If you allege any income loss,
7 diminished earning capacity, or business-expectancy loss, please produce all records that
8 document your or the Smuggler's Inn's income since January 1, 2007, including W-2 forms,
9 income-tax returns, and records of cash earnings.

10 **RESPONSE:**

11 The tax records for years 2011 through 2015 have already been provided. The
12 documents that I have relating to 2008, 2009, 2010, and 2016 are provided here. I cannot
13 locate my 2007 tax return, but I have provided you with a signed IRS 4506 form for
14 obtaining this document. I have also provided you with releases for the Employment Security
15 Department and the Social Security Administration to allow you to get further information.

16
17 Tax and Financial Records for 2008, 2009, 2010, and 2016 (RFP 22)

18
19 **REQUEST FOR PRODUCTION NO. 23:** Please produce all documents relating to
20 liens or subrogated interests of any kind arising out of the March 20, 2014, incident,
21 including any correspondence from the Department of Labor and Industries, Medicare, or
22 any insurance carrier.

23 **RESPONSE:**

24 There are no known liens or subrogated interests relating to this incident.

1 **REQUEST FOR PRODUCTION NO. 24:** Please produce all documents relating to
2 any applications you made for public assistance, Social Security, unemployment, disability,
3 or worker's compensation payments.

4 **RESPONSE:**

5 My applications for Social Security Disability are provided in the following:

- 6
 - 2011 Application for Social Security Disability (RFP 1.1)
 - 2014 Response to Social Security Request for Information (RFP 1.2)

7
8 **REQUEST FOR PRODUCTION NO. 25:** Please produce all other documents that
9 support your claims for damages, including all documents that support each element of
10 special damages and general damages you claim and how the amount was determined or
11 calculated.

12 **RESPONSE:**

13 I provide you with copies of newspaper articles that I have:

- 14
 - Newspaper articles for Smugglers Inn (RFP 25)

15 Medical and financial documents are being gathered by Defendant's lawyer pursuant
16 to releases provided.

17
18 **REQUEST FOR PRODUCTION NO. 26:** Please produce all documents relating to
19 any of your criminal convictions, guilty pleas, or pleas of no contest.

20 **RESPONSE:**

21 Please see my response to Interrogatory No. 7.

22
23 **REQUEST FOR PRODUCTION NO. 27:** Please produce all releases, covenants,
24 or settlement documents of any kind that relate to the March 20, 2014, incident, Agent
25 Egbert, or your claimed injuries and damages.

1 **RESPONSE:**

2 None.

3
4 **REQUEST FOR PRODUCTION NO. 28:** Please produce copies of all audio
5 recordings, photographs, and videos of your interaction with Agent Egbert on March 20,
6 2014. If available, please produce the documents in electronic (JPEG or MPEG) format.

7 **RESPONSE:**

8 I do not have any available.

9 **REQUEST FOR PRODUCTION NO. 29:** Please produce copies of all
10 photographs and videos of your injuries. If available, please produce the documents in
11 electronic (JPEG or MPEG) format.

12 **RESPONSE:**

13 Images of my injuries can be found in my medical records.

14
15 **REQUEST FOR PRODUCTION NO. 30:** Please produce copies of all
16 photographs and videos taken after the March 20, 2014, incident that depict you engaging in
17 any sports or recreational activities. If available, please produce the documents in electronic
18 (JPEG or MPEG) format.

19 **RESPONSE:**

20 I have none available.

21
22 **REQUEST FOR PRODUCTION NO. 31:** Please produce copies of any
23 transportation licenses issued to you or any companies in which you have an ownership
24 interest since January 1, 2007.

A copy of authorization from the Transient Authority is included:

- REQUEST FOR PRODUCTION NO. 32:** If you know of any other documents or items that might be relevant to this lawsuit, please produce them.

We believe that CBP has many documents relevant to this case but we have not yet identified them with exception of the investigatory report, which we received in redacted form and have provided the defendant with a copy.

- Easement (RFP 32)

There are photos of CBP blocking my driveway and I am working on getting them.

DATED: October 9, 2017

MILLS MEYERS SWARTLING P.S.
Attorneys for Agent Erik Egbert

By:

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ATTORNEY CERTIFICATION

I hereby certify that, to the best of my knowledge, information, and belief formed after a reasonable inquiry, these discovery responses, including any objections, comply with FRCP 26 and applicable law.

DATED: Oct 9, 2017

CASCADIA CROSS-BORDER LAW
Attorneys for Plaintiff

By: 

Gregory Boos
WSBA No. 8331
W. Scott Railton
WSBA No. 28413

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VERIFICATION BY PLAINTIFF

I declare under penalty of perjury under the laws of Washington and the United States that these discovery responses are complete and correct.

DATED: 10-7-17 at BLAINE, Washington.
(date) (city)


Robert Boule

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner indicated a copy of the within and foregoing document upon the following persons:

Attorneys for Plaintiff:

Breean L. Beggs
Paukert & Troppmann, PLLC
522 W Riverside Ave, Ste 560
Spokane, WA 99201

- ☐ Via first class mail, postage prepaid
- ☐ Via facsimile to 509-232-7762
- ☐ Via legal messenger
- ☒ Via e-mail to
bbeggs@pt-law.com
hhoffman@pt-law.com

Gregory Donald Boos
W. Scott Railton
Cascadia Cross-Border Law
1305 11th St, Ste 301
Bellingham, WA 98225

- ☐ Via first class mail, postage prepaid
- ☐ Via facsimile to 360-676-5459
- ☐ Via legal messenger
- ☒ Via e-mail to
gdboos@cascadia.com
srailton@cascadia.com

DATED: October 9, 2017

Anna Armitage

CERTIFICATE OF SERVICE:

I hereby certify that on the 9th day of October, 2017, I emailed a copy of this document to the following:

Breean Lawrence Beggs bbeggs@pt-law.com, hhoffman@pt-law.com

Gregory Donald Boos gdboos@cascadia.com

W. Scott Railton srailton@cascadia.com

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Nikki C. Carsley ncarsley@millsmeyers.com, aarmitage@millsmeyers.com

Michael Russell mrussell@millsmeyers.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

s/ GREG BOOS, WSBA #8331
GREG BOOS, WSBA #8331